

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **APR 29 2015** ★

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KUNG MIN

-v-

LONG ISLAND OFFICE  
ORDER OF DISMISSAL FOR  
FAILURE TO PROSECUTE  
ADOPTING REPORT & RECOMMENDATION  
CV 13-5942 (JS) (ARL)

XTRA, LLC  
JOSEPH BURKE  
-----X

APPEARANCES:

FOR PLAINTIFF(S):  
KWANGSOO KIM, ESQ.  
163-07 DEPOT RD. #100  
FLUSHING NY 11358

FOR DEFENDANT(S):  
ELIAS ABILHEIRA, ESQ.  
34 E. MAIN ST.  
FREEHOLD NJ 07728

SEYBERT, DISTRICT JUDGE:

The above-captioned case was opened with its removal from New York State Supreme Court, Nassau County, on Oct. 28, 2013.

Defense counsel filed a Motion to dismiss [17] on Jan. 12, 2015, in which failures to fully participate in discovery were alleged. A response [18] was filed on Jan. 15, 2015, on the letterhead of plaintiff's counsel by an attorney whose name does not appear on the docket. Magistrate Judge Arlene Rosario Lindsay was not persuaded by the opposition, and she issued a Report & Recommendation [19] on Feb. 11, 2015, for dismissal of the case. No objection has been filed.

IT IS HEREBY ORDERED that the case be DISMISSED without prejudice for lack of prosecution, pursuant to Rule 41(b), Federal Rules of Civil Procedure. Motion [17] is GRANTED. Report & Recommendation [19] is ADOPTED in its entirety.

The Clerk of Court is directed to enter judgment and mark the case closed.

SO ORDERED.

s/ Joanna Seybert  
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York  
Apr. 29, 2015